

**REMARKS**

This application was filed with a preliminary amendment on 12 March 2001 with eighteen claims. In the first Examiner's Action mailed 24 August 2004, the Examiner rejected claims 1-3, 5, 7-8, 10-14, 16-18 as being unpatentable under 35 U.S.C. §102(e) over U.S. Patent 6,370,629 entitled CONTROLLING ACCESS TO STORED INFORMATION BASED ON GEOGRAPHICAL LOCATION AND DATE AND TIME to Hastings et al. (Hastings '629). The Examiner further rejected claim 4, 6, 9, 15 under 35 U.S.C. 103(a) over Hastings '629. This response follows.

In response, Applicants traverse the substantive art rejections but have amended the claims to more clearly point out and distinctly claim the subject matter of the invention, and to correct minor typographical errors. In amending the claims, Applicants have not added new matter. Support for the amendment to "enable the electronic device" is given in the originally filed specification on page 1, line 2 which states that the invention "particularly relates to enabling an electronic device using a password associated with a geographic location" and again on page 4, lines 1-3 which state that "more secure protection ... occurs when the requesting device may not even be enabled."

The Rejection under 35 U.S.C. §102(e)

The Examiner rejected claims 1-3, 5, 7-8, 10-14, 16-18 under 35 U.S.C. 102(e) as being anticipated by Hastings '629. The Examiner alleges that Hastings '629 teaches all the claimed elements of claims 1-3, 5, 7-8, 10-14, 16-18.

Hastings '629 teaches access to stored information on a CD-ROM is authorized if the actual geographic position and/or an actual date/time falls within the authorized geographic region and/or a date/time interval. In other words, the CD-ROM or other stored information has to be in the authorized geographic region before access is granted to the information. If the CD-ROM or other stored information is moved to a different geographic region, then that geographic region has to be authorized before the stored information can be accessed.

Applicants respectfully traverse because Hastings' 659 does not teach at least two of the claimed elements of the independent claims. Hastings '629 does not teach "a plurality of passwords associated with a plurality of geographic regions" as in claims 1, 2, and 17, or a

“geographic-specific password” of claim 14, or “a plurality of passwords, each associated with one or more of the descriptions of geographic regions,” of claim 16. Hastings ‘629 teaches that the passwords are associated with the files, not the geographic region, *see, e.g.*, Hastings ‘629 at column 5, lines 29-34 which states, “... to gain access to the signed/encrypted files, the user obtains a password from the producer, and enters the password ...” Hastings ‘629 further teaches that the files are associated with the geographic location, *see* Abstract which states that the “actual geographic position where the stored information is located ...” Applicants wish to distinguish associating the geographical location with the stored information, as in Hastings’ 629, between associating the geographical location with the password, as claimed by inventors. The distinction has significant consequences, as will be discussed.

The second claimed element not taught or suggested by Hastings ‘629 is “access [is to] the processing electronics”, as in claim 1, 17, and that the “device is enabled”, as in claims 2, 13, 14, and that the “user is allowed to use the electronic processing device”, as in claim 16, only when a geographic-specific password is entered by a user. Hastings ‘629 still enables the device but just restricts access the stored information, *see* Abstract of Hastings ‘629. Applicants have clearly distinguished between access to stored information, as in Hastings ‘629, and access to the electronic processing device in the claims. Again, as will be discussed, the distinction is not trivial nor obvious.

Having thus pointing out how Hastings ‘629 does not teach two of the claimed elements of the original and amended independent claims, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 1-3, 5, 7-8, 10-14, 16-18 as being unpatentable under 35 U.S.C. §102(e) over Hastings ‘629.

*The Rejection under 35 U.S.C. §103(a)*

The Examiner rejected claims 4, 6, 9, 15 under 35 U.S.C. 103(a) as being obvious in view of Hastings '629. The Examiner admits that Hastings '629 fails to explicitly disclose the step of entering a description of a first geographic region comprising delineating the boundaries of the first geographic region using a graphical user interface on a map containing the first geographic region. The Examiner has taken official notice that delineating information of a geographic region using a GUI was known in the art of video games at the time Applicants' invention was made, e.g., *The Legend of Zelda*, *Civilization*, *Star Control 2*.

Applicants traverse the rejection under 35 U.S.C. §103(a) asserting that it does not matter how the geographic boundaries are ascertained; Hastings '629 nor *Zelda* nor Link in *Zelda 2: The Adventures of Link* do not teach that the password is geographically unique as claimed, and that use of the electronic processing device is restricted unless the geographically-unique password is entered when the device is within the geographic region.

The distinctions between Hastings '629, *The Legend of Zelda* (and other video games) and Applicants' claimed invention are not trivial and obvious. Applicants presented the disadvantages of associating a password with access to files or information, as taught by Hastings '629, in the originally-filed specification at page 3, line 13 through page 4, line 10 which states that the prior art teaches that "access is still allowed ... to the computer and its processes, with the attendant risks of [*inter alia*, intentional intrusion and/or accidental damage.]

To further elucidate the nonobvious differences, imagine that the electronic processing device is an automobile that Link is using to find Zelda and that the stored information of Zelda's exact location is located in the trunk and access to the trunk is password protected. Using Hastings '629, Link or any thief or any unauthorized user could still enable the automobile and go cruising even if that automobile is in its authorized geographical location at the correct time regardless of whether Link or the unauthorized user knew or didn't know the password to the trunk. Link or the unauthorized user just would not be able to access the trunk to obtain the stored information of Zelda's exact location.

If, however, as with Applicants' claimed invention, the password was associated with the geographical location, only Link having knowledge of the correct password for that geographic location, could enable the automobile and, regardless of any password for the stored information,

could access the trunk to obtain information of Zelda's exact location. A thief or unauthorized user probably doesn't care about Zelda - he/she just wants to drive the car. With Applicants' claimed invention of associated the password with the geographic location, the thief or unauthorized user could not even enable the automobile or electronic processing device and it is secure!

Applicants thus having pointing out that it doesn't matter whether Hastings '629 can be modified by Zelda or Link, or any other method of ascertaining geographic boundaries, Hastings '629 still does not teach that the password is associated with a geographic region and that the device itself is enabled, rather than information on the device. Applicants respectfully request the Examiner to reconsider and withdraw the rejection of claims 4, 6, 9, and 15 under 35 U.S.C. §103(a).

### Conclusion

Applicants have amended the claims and have explained in the Remarks section that Hastings '629 does not teach, suggest, and cannot be modified as taught by interactive graphical user interfaces to determine the boundaries of a geographical location using a virtual map that first, a password is uniquely associated with a geographical location, not the stored information itself; and second, that the electronic processing device itself cannot be enabled or used without that geographically-associated password. Applicants thus assert that the claims

are in condition for allowance and respectfully request the Examiner to issue the patent. The Examiner is further invited to telephone the Attorney listed below if any questions or points of clarification remain.

Respectfully submitted,

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19 November 2004

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